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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,625	03/18/2004	Alcassandro Gallitognotta	SAESP059.US02	5807

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TECHNOLOGY & INTELLECTUAL PROPERTY  
STRATEGIES GROUP PC dba TIPS GROUP  
P. O. BOX 1639  
LOS ALTOS, CA 94023-1639

EXAMINER
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WALFORD, NATALIE K

ART UNIT	PAPER NUMBER
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2879

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/803,625

Applicant(s)

GALLITOGNOTTA ET AL.

Examiner

Natalie K. Walford

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7, 15, 17-23 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 15, 17-23 and 29-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

The Amendment, filed on December 27, 2006, has been entered and acknowledged by the Examiner. Claims 1-7, 15, 17-23, and 29-33 are pending in the instant application.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 17-23, and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Hilchey et al. (EP 0,675,520).

Regarding claim 1, Hilchey discloses a cathode (item 10) in figure 1, said cathode formed by a cylindrical hollow part (item 20) closed at a first end (end where item 12 is connected) and open at a second end (end where item 12 is NOT connected), wherein an outer and inner surface portion of said cylindrical hollow part includes a layer of getter material (item 40 and column 7, lines 45-58).

Regarding claim 2, Hilchey discloses the cathode as recited in claim 1, wherein said cylindrical hollow part is made essentially of metal (column 5, lines 46-49).

Regarding claim 3, Hilchey discloses the cathode according to claim 2, wherein said metal includes material chosen from among the group consisting of nickel, molybdenum, tantalum and niobium (column 5, lines 46-49).

Regarding claim 4, Hilchey discloses the cathode as recited in claim 1, wherein said layer of getter material is formed of a metal selected among the group consisting of: titanium, vanadium, yttrium, zirconium, niobium, hafnium and tantalum (column 7, lines 48-51).

Regarding claim 5, Hilchey discloses the cathode as recited in claim 1, wherein said layer of getter material is an alloy that includes zirconium or titanium combined with one or more elements selected among the group of transition metals and aluminum (column 7, lines 48-51).

Regarding claims 6-7, the claims are directed to the method of manufacturing a cathode, in view of an absence of a showing that the method imparts distinctive structural characteristics to the final product, the limitations directed to the method of manufacturing are not germane to the issue of patentability of the device.

Regarding claim 17, Hilchey discloses a cathode (item 10) in figure 1, said cathode formed by a cylindrical hollow part (item 20) closed at a first end (end where item 12 is connected) and open at a second end (end where item 12 is NOT connected), wherein on an outer or inner portion of the surface of said cylindrical hollow part is present a layer of getter material (item 40 and column 7, lines 45-58), and wherein a portion of said surface near said first end of said cathode is free of said layer of getter material (see FIG. 1).

Regarding claim 18, Hilchey discloses the cathode of claim 17, wherein said cylindrical hollow part is made essentially of metal (column 5, lines 46-49).

Regarding claim 19, Hilchey discloses the cathode of claim 18, wherein said metal includes material chosen from among the group consisting of nickel, molybdenum, tantalum and niobium (column 5, lines 46-49).

Regarding claim 20, Hilchey discloses the cathode of claim 17, wherein said layer of getter material is formed of a metal selected among the group consisting of: titanium, vanadium, yttrium, zirconium, niobium, hafnium and tantalum (column 7, lines 48-51).

Regarding claim 21, Hilchey discloses the cathode of claim 17, wherein said layer of getter material is an alloy that includes zirconium or titanium combined with one or more elements selected among the group of transition metals and aluminum (column 7, lines 48-51).

Regarding claims 22-23, the claims are directed to the method of manufacturing a cathode, in view of an absence of a showing that the method imparts distinctive structural characteristics to the final product, the limitations directed to the method of manufacturing are not germane to the issue of patentability of the device.

Regarding claim 29, Hilchey discloses the cathode of claim 17, wherein a portion of said surface near said second end is at least partially covered by said layer of getter material (see FIG. 1).

Regarding claim 30, Hilchey discloses the cathode of claim 17, wherein said getter layer is present on the inner portion of the said surface (see FIG. 1).

Regarding claim 31, Hilchey discloses the cathode of claim 17, wherein said getter layer is present on the outer portion of the said surface (see FIG. 1).

Regarding claim 32, Hilchey discloses the cathode of claim 17, wherein said getter layer is present on the inner and outer portion of the said surface (see FIG. 1).

Regarding claim 33, Hilchey discloses the cathode of claim 17, wherein a portion of said surface near the second end of said cathode is free of said layer of getter material.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hilchey et al. (EP 0,675,520) in view of Almer (US 3,582,702).

Regarding claim 15, Hilchey discloses the cathode as recited in claim 1, but does not expressly disclose that said layer of getter material is less than 20 microns thick, as claimed by Applicant. Almer is cited to show a cathode with a getter layer of less than 20 microns thick (column 4, lines 56-58). Almer teaches that the getter layer improves gas binding.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hilchey's invention to include said layer of getter material is less than 20 microns thick as suggested by Almer for improving gas binding.

***Response to Arguments***

Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2879

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie K. Walford whose telephone number is (571)-272-6012. The examiner can normally be reached on Monday-Friday, 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571)-272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

nkW

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3/21/07

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PRIMARY PATENT EXAMINER